

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself
and on behalf of others similarly situated,
Plaintiffs

v.

ROBERT J. GARVEY, and PATRICK J.
CAHILLANE in their individual capacities,
Defendants

Civil Action No. 05-30017-MAP

ASSENTED TO MOTION TO RESCHEDULE FAIRNESS HEARING
FROM JUNE 8, 2007 TO JUNE 22, 2007

The plaintiffs in the above-entitled action respectfully move this Honorable Court to grant a continuance of the fairness hearing, presently scheduled for June 8, 2007 to June 22, 2007 for the following reasons:

1. The fairness hearing in this matter is currently scheduled for Friday, June 8, 2007.
2. Counsel for the plaintiff class is scheduled to begin a jury trial in the matter of Howes v. Chesley, et al., Middlesex Superior Court, C.A. No. 01-2079, on Monday, June 4, 2007. The trial is expected to last approximately two weeks.
3. Because Howes is a 2001 case, the court has stated that the trial will not be continued again and will definitely start on June 4, 2007.
4. No prejudice will result to any party from the requested continuance. The defendants have assented to this motion.

WHEREFORE, the plaintiffs request that the Court reschedule the fairness hearing currently scheduled for June 8, 2007 to June 22, 2007.

RESPECTFULLY SUBMITTED,
For the plaintiffs,

/s/ Myong J. Joun
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ASSENTED TO:

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AFFIDAVIT OF MYONG J. JOUN

I, Myong J. Joun, upon oath depose and state as follows:

1. Attorney Howard Friedman and I represent the plaintiff class in the above-referenced matter.
2. On January 10, 2007, I conferred with Attorney Rosemary Tarantino, counsel for the defendants, with regard to the attached motion. The defendants assent to the motion.
3. Attorney Howard Friedman and I are scheduled to begin a jury trial in the matter of Howes v. Chesley, et al., Middlesex Superior Court, C.A. No. 01-2079, on Monday, June 4, 2007.
4. Howes is a 2001 case. The court in Howes has stated that the trial will not be continued again and will definitely start on June 4, 2007.
5. The trial is expected to last approximately two weeks.

Sworn under the pains and penalties of perjury this 11th day of January 2007,

/s/ Myong J. Joun

Myong J. Joun